

AMENDED IN SENATE JUNE 7, 2010  
AMENDED IN ASSEMBLY APRIL 29, 2010  
AMENDED IN ASSEMBLY APRIL 21, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2137**

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**Introduced by Assembly Member Chesbro**

February 18, 2010

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An act to amend, repeal, and add Sections 14540 and 14542 of the Food and Agricultural Code, relating to fertilizer.

LEGISLATIVE COUNSEL’S DIGEST

AB 2137, as amended, Chesbro. Fertilizing material: labels.

Existing law generally regulates fertilizing materials, as defined, including the labeling of fertilizing materials. Existing law defines “label” and “labeling” for purposes of these provisions.

This bill would, until January 1, 2014, provide that “label” and “labeling” do not include a certified laboratory analysis, as defined, showing the nutrient contents of compost, cocompost, or mulch, as defined, if the laboratory analysis documentation contains a specified statement *and other information*, as provided.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. *The Legislature finds and declares all of the*  
2     *following:*

1 (a) *As a voluntary best management practice and in conjunction*  
2 *with various certification programs, composters regularly send*  
3 *samples of their product to third-party laboratories for an*  
4 *independent analysis of the nutrient content and other parameters*  
5 *in their compost.*

6 (b) *The results of recent laboratory analyses are often provided*  
7 *to customers as an indication of nutrient levels in the compost and*  
8 *to allow for the application of compost and other inputs at*  
9 *agronomic rates.*

10 (c) *Pursuant to Section 14583.5 of the Food and Agricultural*  
11 *Code, the Department of Food and Agriculture is reviewing the*  
12 *proper regulatory standards for the labeling of compost products*  
13 *and nothing in this act is intended to predetermine the results of*  
14 *the department's analysis or subsequent actions.*

15 **SECTION 1.**

16 *SEC. 2.* Section 14540 of the Food and Agricultural Code is  
17 amended to read:

18 14540. (a) "Label" means the display of all written, printed,  
19 or graphic matter on the immediate container of, or a statement,  
20 including the guaranteed analysis, accompanying fertilizing  
21 material.

22 (b) (1) Notwithstanding the registration and fee requirements  
23 of Article 5 (commencing with Section 14601) and Article 6  
24 (commencing with Section 14611), "label" does not include a  
25 certified laboratory analysis showing the nutrient contents of  
26 compost, cocompost, or mulch, as defined in subdivision (c) of  
27 Section 12207 of the Public Contract Code, if the laboratory  
28 analysis documentation states in 12-point boldface type, with  
29 ~~underseored text, the following:~~ *underscoring text, the following:*

30 ~~The [compost, cocompost, or mulch (as appropriate)] is~~  
31 *The [compost, cocompost, or mulch (as appropriate)] is*  
32 *produced by a process that is inherently variable, due to variation*  
33 *in feedstock and natural variation in biological processes.*  
34 *Therefore, the nutrient content of the material you are buying may*  
35 *vary from the data in the attached laboratory analysis. If you wish*  
36 *to assess the range of variability, please ask for prior laboratory*  
37 *analyses for material produced by the same process. material*  
38 *produced by the same process.*

39 ~~(2) For purposes of paragraph (1), all of the following shall~~

(2) *For purposes of paragraph (1), all of the following shall apply:*

(A) A “certified laboratory analysis” means an analysis performed in accordance with the sampling requirements established in Article 7 (commencing with Section 17868.1) of Chapter 3.1 of Division 7 of Title 14 of the California Code of Regulations.

(B) If all compost product being sold is represented by a single laboratory analysis, a “certified laboratory analysis” means the laboratory analysis performed on the batch of the compost being sold.

(C) If the compost product being sold contains material from more than one 5,000 cubic yard batch, a “certified laboratory analysis” means all laboratory analyses conducted on all the batches of compost that comprise the final compost product.

*(D) The certified laboratory analysis shall have appended a list of all feedstocks and additives in the compost product.*

(c) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

~~SEC. 2.~~

SEC. 3. Section 14540 is added to the Food and Agricultural Code, to read:

14540. (a) “Label” means the display of all written, printed, or graphic matter on the immediate container of, or a statement, including the guaranteed analysis, accompanying fertilizing material.

(b) This section shall become operative on January 1, 2014.

~~SEC. 3.~~

SEC. 4. Section 14542 of the Food and Agricultural Code is amended to read:

14542. (a) “Labeling” means all written, printed, or graphic matter on, accompanying, or used in promoting the sale of any fertilizing material, including advertisements, brochures, posters, and television and radio announcements.

(b) (1) Notwithstanding the registration and fee requirements of Article 5 (commencing with Section 14601) and Article 6 (commencing with Section 14611), “labeling” does not include a certified laboratory analysis showing the nutrient contents of compost, cocompost, or mulch, as defined in subdivision (c) of

1 Section 12207 of the Public Contract Code, if the laboratory  
2 analysis documentation states in 12-point boldface type, with  
3 ~~underlined text, the following:~~ *underscoring text, the following:*

4 ~~The [compost, cocompost, or mulch (as appropriate)] is~~  
5 *The [compost, cocompost, or mulch (as appropriate)] is*  
6 produced by a process that is inherently variable, due to variation  
7 in feedstock and natural variation in biological processes.  
8 Therefore, the nutrient content of the material you are buying may  
9 vary from the data in the attached laboratory analysis. If you wish  
10 to assess the range of variability, please ask for prior laboratory  
11 analyses for ~~material produced by the same process:~~ *material*  
12 *produced by the same process.*

13 ~~(2) For purposes of paragraph (1), all of the following shall~~  
14 *(2) For purposes of paragraph (1), all of the following shall*  
15 apply:

16 (A) A “certified laboratory analysis” means an analysis  
17 performed in accordance with the sampling requirements  
18 established in Article 7 (commencing with Section 17868.1) of  
19 Chapter 3.1 of Division 7 of Title 14 of the California Code of  
20 Regulations.

21 (B) If all compost product being sold is represented by a single  
22 laboratory analysis, a “certified laboratory analysis” means the  
23 laboratory analysis performed on the batch of the compost being  
24 sold.

25 (C) If the compost product being sold contains material from  
26 more than one 5,000 cubic yard batch, a “certified laboratory  
27 analysis” means all laboratory analyses conducted on all the  
28 batches of compost that comprise the final compost product.

29 *(D) The certified laboratory analysis shall have appended a list*  
30 *of all feedstocks and additives in the compost product.*

31 (c) This section shall remain in effect only until January 1, 2014,  
32 and as of that date is repealed, unless a later enacted statute, that  
33 is enacted before January 1, 2014, deletes or extends that date.

34 ~~SEC. 4.~~

35 *SEC. 5.* Section 14542 is added to the Food and Agricultural  
36 Code, to read:

37 14542. (a) “Labeling” means all written, printed, or graphic  
38 matter on, accompanying, or used in promoting the sale of any  
39 fertilizing material, including advertisements, brochures, posters,  
40 and television and radio announcements.

- 1     (b) This section shall become operative on January 1, 2014.

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